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Written statement* submitted by Coordination des associations et des particuliers pour la liberté de conscience, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[2 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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CAP Liberté de Conscience expresses its concerns regarding the situation of minority religions in Hungary

Coordination des Associations et des Particuliers pour la Liberté de Conscience – Coordination of Associations and Individuals for Freedom of Conscience (CAP) is an NGO created in 2000 to unite minority religions in order to counter discrimination concerning the right to freedom of conscience and belief in accordance with UN human rights principles.

CAP Liberté de Conscience expresses its concerns regarding the situation of minority religions in Hungary.

In 2011, a new Religion Law de-registered all but 14 of the more than 350 previously-registered religious groups. Apart from the recognized Churches listed in the Appendix to the 2011 Church Act, all other religious communities previously registered as Churches lost their status as Churches but could continue their activities as associations. If intending to continue as Churches, religious communities were required to apply to Parliament for individual recognition as such.

To "re-register" and gain legal status as "Churches" again, these de-registered groups had to win a two-thirds majority vote of the Hungarian Parliament, which politicized the process, violated the duty of the state to be neutral in religious matters, and engaged in discrimination against minority denominations.

By February 2012, the Parliament had denied the re-registration applications of 66 of the 84 previously-registered Churches that applied, without providing a substantive explanation for their denials. Among those lawfully registered Churches that were denied re-registration were Christian Churches, Evangelical Churches, Pentecostal Churches, the Church of Scientology and Buddhist, Hindu and Jewish groups. Many of these Churches were found to fulfill all of the conditions of the Religion Law, but they were rejected anyway.

Denial of registration as Churches also deprived these religious groups of their financial means of existence since it deprived them of their right to the one per cent of income tax which taxpayers may donate to Churches.

In February 2013, Hungary's Constitutional Court found that the de-registration of lawfully recognized Churches was unconstitutional in a ruling that repealed parts of the 2011 Religion Law. The Constitutional Court also required the National Assembly to adopt legislation which would allow taxpayers to donate 1 percent of their income tax to any religious organization of their choosing and gave the Assembly a deadline for this task of December 31, 2017. To this day, no such legislation has been enacted.

The Hungarian Civil Liberties Union made the following finding in an article published early last year:

> The transition from Church to religious organization went smoothly for some Churches, they had the financial and human resources necessary to make this adjustment. But there were Churches who were unable to make this transition and ended up closing down. Other Churches moved their activities outside of the country, leaving Hungary behind. Many of the Churches closed, and a few transitioned to operating as religious organizations.

On April 8, 2014, the European Court of Human Rights ruled in *Magyar Keresztény Mennonita Egyház and others v. Hungary* that Hungary's Religion Law violated Articles 9 and 11 of the European Convention on Human Rights, which guarantee the fundamental rights of freedom of religion and freedom of assembly and association.

Nevertheless, this Religion Law re**mains unaltered and in force to this day. It continues to be used by the government to discriminate against** minority religious groups and individuals it targets. According to the State Department's IRF Report on Hungary for 2016:

- During that year, Hungarian courts closed out the cases of 13 de-registered churches, which had no remaining assets for the government to liquidate.
- Many smaller congregations, mostly Christian but also Jewish and Buddhist, continued to struggle to survive following their de-registration.
- Islamic organizations reported incidents of discrimination by government officials and politicians, and there were numerous reports of perceived anti-Muslim rhetoric by government officials and politicians, including at the highest levels.
- Anti-Semitism was on the rise.

Further, the situation is worsening. First, with the 2011 Religion Law, the Hungarian government continues to focus its discrimination against religious communities it does not like, including those that have been critical of its policies, and to use the financial privileges afforded by the law to keep the major churches in line politically. Of the more than 300 de-registered religious organizations, 32 have since had their legal status restored thanks to both European Court of Human Rights and domestic court rulings. But one religious organization that has still not had its legal status restored despite being prominent among these 32 organizations is the Hungarian Evangelical Fellowship. It seems that the denial of status there continues to be politically motivated, as its pastor has been critical of the Orbán government. The Fellowship is a well-established Church with numerous schools, homes for the elderly and other public services, so the reduction in funding from not having official status means that thousands of people are negatively impacted.

Second, the **government is now creatively and aggressively using other laws to target and criminally investigate at least one Church that was lawfully registered under the 1990 Religion Law, then unconstitutionally de-registered under the 2011 Religion Law and thus forced to register and operate as an association.** The religious discrimination taking place regarding the Church of Scientology and its parishioners in Hungary has primarily manifested itself in the following ways:

- Bad faith denial of a Certificate of Occupancy that would allow the Church of Scientology of Budapest to lawfully occupy its Place of Worship constitutes a violation of the right of the Church and its parishioners to religious freedom.

- Bad faith application and discriminatory enforcement of the Data Protection Law has resulted in the arbitrary seizure of all the parishioner files, including priest-penitent files, and an undue interference with the exercise of core religious rights of Scientologists in Hungary.

The government is using data protection not as a shield to safeguard Hungarian citizens but as a sword to violate the rights of Hungarian Scientologists to privacy and religious freedom. According to the Government, only members of "recognized Churches" can benefit from protection in this regard.

This situation is so discriminatory that it cannot be regarded as proportionate to any legitimate aim pursued, nor necessary in a democratic society. Hungary is currenly the only country in the world that has seized and refuses to return such folders consisting of sacred and confidential priest-penitent communications. Worse, the Data Protection Authority has perused private confessions, making them available to a psychologist "expert" without the parishioners' permission or consent to determine whether they were under undue influence and went as far as posting some extracts of confessions on line. Members of religious minorities not endorsed by the Hungarian Parliament are treated as second-zone citizens whose fundamental rights can be infringed by the Authorities at will.

This situation in Hungary constitutes a blatant violation of the right to freedom of religion or belief protected by UN instruments that Hungary has signed and ratified and which it is bound to respect.